

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA)	DOCKET NO. 3:14CR253-RJC
)	
v.)	
)	DEFENDANT’S UNOPPOSED
MICHAEL R. EGAN, III)	MOTION TO CONTINUE
)	TRIAL

NOW COMES Defendant MICHAEL F. EGAN, III, by and through undersigned counsel, and hereby moves to continue the trial in this matter from the February 2 trial term.

On December 16, 2014, Defendant was indicted in this 2-count fraud case. His initial appearance took place on January 13, 2015. On that same date, undersigned counsel appeared with Defendant and entered a general appearance. The Scheduling Order issued later that same day set a trial date of February 2, which is less than 30 days from Defendant’s initial appearance on January 13. Therefore, pursuant to 18 U.S.C. §3161(c)(2), trial cannot be held during the February term.

Additionally, Defendant’s counsel just received discovery today. The discovery consists of over 24,000 pages of documents and counsel has not yet begun to review it. Therefore, undersigned counsel cannot be ready for trial in 11 days and will not be able to provide Defendant with effective assistance of counsel if the trial begins on February 2. Therefore, pursuant to 18 U.S.C. §3161(h)(7)(B)(iv), Defendant submits that a denial of this continuance motion would deny Defendant and his counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

The government, through assigned Assistant U.S. Attorney Kevin Zolot, has indicated that it does not oppose this motion to continue.

Therefore, based on the foregoing, Defendant respectfully requests this Honorable Court to continue the trial of this matter from the February 2 term to a later term.

Respectfully submitted,

January 22, 2015

s/ Mark P. Foster, Jr.
NC State Bar #22717
Attorney for Defendant
Rawls, Scheer, Foster & Mingo, PLLC
1011 E. Morehead Street, Suite 300
Charlotte, NC 28204
Phone 704-376-3200
Fax 704-332-2716
mfoster@rsfmlaw.com

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above **DEFENDANT'S UNOPPOSED MOTION TO CONTINUE TRIAL** has been duly served on the attorney listed below by e-mail service through ECF on this date:

Kevin Zolot
Kevin.Zolot@usdoj.gov
Thomas R. Ascik
Thomas.ascik@usdoj.gov

January 22, 2015

s/ Mark P. Foster, Jr.
NC State Bar #22717
Rawls, Scheer, Foster & Mingo, PLLC
1011 E. Morehead Street, Suite 300
Charlotte, NC 28204
Phone 704-376-3200
Fax 704-332-2716
E-mail: mfooster@rsfmlaw.com